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Group Art Unit:

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FROM:

J.B.KRAFTTel No: 512-473-2303

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Docket No. AUS 920210344051 Serial No. 09/899,454 Atty: J. B KRAFTApplicant: G. F. McBrearty et al

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2178
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/899,454 : Law Department - 4054
Filed: 07/05/2001 : International Business
Title: BOOKMARKS FOR WORLD : Machines Corporation
WIDE WEB DOCUMENTS WITH : 11400 Burnet Road
INDICATORS OF THE HIT RATES : Austin, Texas 78758
FOR THE WEB DOCUMENTS FROM : CUSTOMER NUMBER 32,329
THE WEB SITES SENDING THE :
DOCUMENTS :
Date: 10/17/05 :

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I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2178 at telephone number 571-273-8300, and to the attention of Examiner K. R. Stork on 10/17/05.

J.B.KRAFT

REPLY BRIEF ON APPEAL
BEFORE THE BOARD OF APPEALS
AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed August 15, 2005.

In the Answer, the Examiner makes an Argument with reference to Ryan et al. which has not been previously made in the Final Rejection.

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PATENT
09/899,454

To briefly review the present invention, it provides at a receiving i.e. Web document requesting station, in association with a displayed list of bookmarks for Web documents, displayed data on the rates of transmission of each listed bookmarked Web document. In this way, the user at the receiving station may judge whether a high transmission rate will mean a delay in accessing a particular bookmarked Web document before accessing the document through the stored bookmarked links to the document source.

The Ryan patent does not suggest this expedient. In Applicant's Brief, it was emphasized that the present invention related to the storing, at receiving display stations, bookmarked direct links to the already known sources of the selected bookmarked documents. On the other hand, the Ryan patent related to search engines and algorithms for searching the Web to find unknown sources of documents based upon key words of interest to the user.

The Examiner (in the last paragraph before his Answer Conclusion) argues that Applicants' Brief fails to comprehend that search engines such as those in Ryan may be accessed through Web browsers. Applicants certainly understand that search engines are accessed through Web browsers. However, just because Web browsers may request search engine to do searches, does not effect the differences set forth above with respect to Ryan even if those differences are also controlled by the Web browser. Virtually all functions related to the Web are conventionally accessed through Web browsers associated with respective receiving display stations.

There appears to be a resistance on the part of the Examiner to distinguish the present invention of stored bookmarked already selected links to Web document sources at

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2

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a receiving display station with displayed transmission rates from Ryan's apparatus which uses of transmission or hit rates of Web documents in search algorithms. This provides the basis for the new argument in Examiner's Answer. The Examiner proposes the combination of the various hit lists described in Column 7 of Ryan. The section discusses several output hit lists resulting from searches on key words. One is a "high fliers" hit list: conventionally ranked according to popularity. Another is the "personal hit list" of a user which is provided by searching the user's recorded surfer trace together with the key word being searched. This surfer trace includes key words user has searched in the past. The Examiner points out that Ryan, at Col 7 lines 37-48, states that generation of a personal hit list is like an automatic bookmarking data set. However, there is still no hint of displaying any kind of bookmarked document transmission rate for this personal hit list.

The Examiner points to the description of the collective search hit-lists at Col 7 lines 49-62 as some sort of a basis for combining the high-flyer and personal hit lists of Ryan. However, it must be noted that the only procedure in Ryan in which such two lists may be combined is as an input data set for a search in combination with a key word which produces search results of terms ranked in order of interest to the user requesting the key word search (col 7, lines 56-62). This result is quite remote from any suggestion of the present invention of storing, at receiving display stations, bookmarked direct links to the already known sources of the selected bookmarked documents.

Here too, the Pitkow publication does little to make up for the deficiencies of Ryan. All Pitkow appears to discuss in Section (0136) cited by Examiner is the vague and general

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concept that bookmarked Web documents at a receiving Web station may be categorized. Again, this is quite remote from, and not suggestive of displaying such activity rates in association with a list of displayed bookmarked documents at a receiving Web station.

Respectfully submitted,

J. B. Kraft
Attorney for Applicants
Registration No. 19,226
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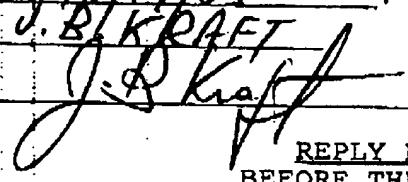
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